

Application No. 10/718,280
Amdt. dated September 28, 2005
Reply to Office action of March 14, 2005

REMARKS

Claims 42-50 and 54-59 are pending.

Double Patenting Rejection

In the Office Action, the Examiner rejected claims 54-59 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4, 23, 26-28, and 32 of U.S. Pat. No. 6,664,252 ('252). In response, Applicants respectfully submit a Terminal Disclaimer in compliance with 37 CFR 1.321(c) to overcome this rejection. Thus, Applicants respectfully request that Examiner withdraw the rejection and allow claims 54-59.

Conclusion

Applicants acknowledge that Examiner stated that claims 42-50 are allowable. Accordingly, Applicants respectfully submit that claims 42-50 and 54-59 are allowable and request that a Notice of Allowance be issued in this case.

Commissioner is authorized to charge any deficiencies and credit any overpayment to OSI Pharmaceuticals, Inc. Deposit Account No. 50-2783.

Very truly yours,



Kim T. Nguyen
Agent for Applicants
Registration No. 47,821
Direct No. (631) 962-2089
Fax No. (631) 752-3880

September 28, 2005
OSI Pharmaceuticals, Inc.
58 South Service Road, Suite 110
Melville, NY 11747